

Docket No. 558-9-10-1

DECLARATION FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled EXERCISE APPARATUS AND TECHNIQUE, the specification of which

< > is attached hereto.

<X> was filed on June 14, 1996

as

Application Serial No. 08/665,076

and was amended on

(if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)			Priority Claimed		
----- (Number)	----- (Country)	----- Day/Month/Year Filed	Yes	No	
----- (Number)	----- (Country)	----- Day/Month/Year Filed	Yes	No	
----- (Number)	----- (Country)	----- Day/Month/Year Filed	Yes	No	

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or prior international filing date of this application.

08/494,528 ----- (Application Serial No.)	6-23-95 ----- (Filing Date)	Pending ----- (Status-patented pending, abandoned)
08/271,022 ----- (Application Serial No.)	7-6-94 ----- (Filing Date)	Pending ----- (Status-patented pending, abandoned)
08/089,852 ----- (Application Serial No.)	7-9-93 ----- (Filing Date)	Pending ----- (Status-patented pending, abandoned)

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Vincent L. Carney, Reg. No. 20-688

Address all telephone calls to Vincent L. Carney at telephone no.  
402-489-0377

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the

like so made are punishable by fine or imprisonment, or both,  
under Section 1001 of Title 18 of the United States Code and that  
such willful false statements may jeopardize the validity of the  
application or any patent issued thereon.

**Full name of sole or first inventor**

Frank Edward Joutras

Inventor's signature



Date

8/29/96

Residence 1515 Smith Street, Lincoln, Nebraska 68502

Citizenship United States of America

Post Office Address 1515 Smith Street  
Lincoln, Nebraska 68502

**Full name of second joint inventor, if any**

Ronald J. Hruska, Jr.

**Second inventor's signature**

**Date**

*Sept. 10, 1996*

**Residence** 8831 Avon Lane, Lincoln, Nebraska 68505

**Citizenship** United States of America

**Post Office Address** 8831 Avon Lane  
Lincoln, Nebraska 68505

42-489-0378

Attorney's Docket  
No. SSB-9-10-1

Applicant  
or Patentee: Frank Edward Jouras  
and Ronald J. Hruska, Jr.

Serial or Patent No:

Filed or Issued:

For: EXERCISE APPARATUS AND TECHNIQUE

VERIFIED STATEMENT (DECLARATION) CLAIMING  
SMALL ENTITY STATUS

(37 CFR 1.9(f) and 1.27(a)) - SMALL BUSINESS CONCERN

I hereby declare that I am

< > the owner of the small business concern  
identified below:<X> an official of the small business concern  
empowered to act on behalf of the concern  
identified below:

Name of Concern Kinetech, Inc.

Address of Concern 1225 "L" Street

Lincoln, Nebraska 68506

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 37 CFR 121.3-18, and reproduced in 37 CFR 1.9(d). For purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500.

persons. For purposes of this statement: (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year; and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled EXERCISE APPARATUS AND TECHNIQUE, by inventors Frank E. Joutres and Ronald J. Kruska, Jr., described in:

<X> the specification filed herewith.

< > application serial no.

filed

< > patent no. issued

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any other concern which would not qualify as a small business concern under 37 CFR 1.19(d) or a nonprofit organization under 37 CFR 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities (37 CFR 1.27).

Name

Address

< > Individual < > Small Business Concern < > Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or, at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing Frank Edward Jouras

Title of Person Other than Owner President

Address of Person Signing 2100 South 38th Street  
Lincoln, Nebraska 68506

Signature Z E S J.A.T. Date 6/13/96



558-9-10-1

## UNITED STATES DEPARTMENT OF COMMERCE

## Patent and Trademark Office

ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

DECEMBER 13, 1996

PTAS

VINCENT L. CARNEY  
P.O. BOX 80836  
LINCOLN, NE 68501\*100290907A<sup>PTO</sup>JC525 U.S. PTO  
09/379851  
08/24/99UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, NORTH TOWER BUILDING, SUITE 10C35, WASHINGTON, D.C. 20231.

RECORDATION DATE: 09/17/1996

REEL/FRAME: 8176/0805  
NUMBER OF PAGES: 6

BRIEF: ASSIGNMENT OF ASSIGNEE'S INTEREST (SEE DOCUMENT FOR DETAILS).

## ASSIGNEE:

JOUTRAS, FRANK EDWARD

DOC DATE: 08/29/1996

## ASSIGNEE:

HRUSKA, RONALD J. JR.

DOC DATE: 09/10/1996

## ASSIGNEE:

KINETECS, INC.  
1225 "L" STREET  
SUITE 100  
LINCOLN, NEBRASKA 68508

SERIAL NUMBER: 08665076

FILING DATE: 06/14/1996

PATENT NUMBER:

ISSUE DATE:

LAWAN FLETCHER, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

10-18-1996

Patent and Trademark Office

Tab settings   SERIAL NO. 1  
To the Honorable Commissioner of Patents

## 1. Name of conveying party(es):

Frank Edward Joutras and  
Ronald J. Hruska, Jr.

Additional name(s) of conveying party(es) attached?  Yes  No

## 3. Nature of conveyance:

- Assignment  Merger  
 Security Agreement  Change of Name  
 Other \_\_\_\_\_

Execution Date: 8-29-96 and 9-10-96

## 4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: 10-17-96

## A. Patent Application No.(s)

08/665,076 filed 6-14-96

## B. Patent No.(s)

10-17-96

Additional numbers attached?  Yes  No

## 5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Vincent L. Carney

Internal Address: P.O. Box 80836

Street Address: P.O. Box 80836

City: Lincoln State: NE ZIP: 68501

## 6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41): \$ 40.00

Enclosed

Authorized to be charged to deposit account

## 8. Deposit account number:

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

070 DF 09/25/96 08665076

1-581

40.00 GN

## 9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Vincent L. Carney

Name of Person Signing

Vincent L. Carney

Signature

September 13, 1996

Date

Total number of pages comprising cover sheet

1

ASSIGNMENT

We, the undersigned, agree that:

(1) this assignment includes two separate parts, each identical to the other, assigning two separate interests by corresponding ones of two inventors to such "invention";

(2) each part may be separately signed and attached to one copy of this page to constitute one agreement, if the part is executed, with a copy of this page attached;

(3) this agreement shall be treated as a single agreement signed by two inventors;

(4) the consideration stated in each part for the assignment of the corresponding inventor's interest is as stated in the inventor's part of this agreement and for the assignment of the other inventors; and

(5) the inventors executing this agreement are each transferring to Kinetecs, Inc., a corporation of the State of Nebraska, having a place of business at 1225 "L" Street, Suite 100, Lincoln, Nebraska 68508, all of their right, title and interest to the application for U.S. patent entitled EXERCISE APPARATUS AND TECHNIQUE, as specified more completely in each of the following parts. The inventors are:

<u>FOR</u>	<u>NAME</u>
Part 1	Frank Edward Joutras
Part 2	Ronald Hruska, Jr.

Application

Serial Number: 08/665,076

Filed : June 14, 1996

PART 1  
ASSIGNMENT

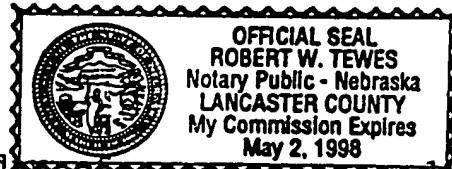
For good and valuable consideration, I, Frank Edward Joutras, of 1515 Smith Street, Lincoln, Nebraska, 68502, hereby sell, assign and transfer to Kinetecs, Inc., a corporation of the State of Nebraska, having a place of business at 1225 "L" Street, Suite 100, Lincoln, Nebraska, 68508, its successors, assigns and legal representatives, the entire right, title and interest for the United States and all foreign countries, in and to any and all improvements and inventions which are disclosed in the application for United States Letters Patent, serial no. 08/665,076, filed June 14, 1996, and is entitled EXERCISE APPARATUS AND TECHNIQUE, it being the only application filed by the applicant on that day with the same title, and in and to said application and all divisional, continuing, substitute, renewal, reissue and all other applications for Letters Patent which have been or shall be filed in the United States and all foreign countries on any of said improvements and inventions; and in and to all original and reissued patents which have been or shall be issued in the United States and all foreign countries on said improvements and inventions;

Agree that said assignee may apply for and receive Letters Patent for said improvements and inventions in its own name; and that, when requested, without charge to but at the expense of said assignee, its successors, assigns and legal representatives, to carry out in good faith the intent and purpose of this assignment, the undersigned will execute all divisional, continuing, substitute, renewal, reissue and all other patent applications on any and all said improvements and inventions; execute all rightful oaths, assignments, powers of attorney and other papers; communicate to said assignee, its successors, assigns and representatives, all facts known to the undersigned relating to said improvements and inventions and the history thereof; and generally do everything possible which said assignee, its successors, assigns or representatives shall consider desirable for aiding in securing and maintaining proper patent protection for said improvements and inventions and for vesting title to said improvements and inventions and all applications for patents and all patents on said improvements and inventions, in said assignee, its successors, assigns and legal representatives; and

Covenant with said assignee, its successors, assigns and legal representatives that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by the undersigned and that full right to convey the same as herein expressed is possessed by the undersigned.

*ZP* *E* *J*  
\_\_\_\_\_  
Frank Edward Joutras

State of Nebraska      )  
                        )ss  
County of Lancaster    )



Before me this 29th day of August, 1996, personally appeared Frank Edward Joutras to me personally known to be the person who is described in and who executed the above instrument, and acknowledged to me that he executed the same of his own free will for the purpose therein set forth.

*Robert W. Teves*  
\_\_\_\_\_  
Notary

-- Our Ref: 558-9-9-1

PART 2  
ASSIGNMENT

For good and valuable consideration, I, Ronald J. Hruska, Jr., of 8831 Avon Lane, Lincoln, Nebraska 68505, hereby sell, assign and transfer to Kinetecs, Inc., a corporation of the State of Nebraska, having a place of business at 1225 "L" Street, Suite 100, Lincoln, Nebraska, 68508, its successors, assigns and legal representatives, the entire right, title and interest for the United States and all foreign countries, in and to any and all improvements and inventions which are disclosed in the application for United States Letters Patent, serial no. 08/665,076, filed June 14, 1996, and is entitled EXERCISE APPARATUS AND TECHNIQUE, it being the only application filed by the applicant on that day with the same title, and in and to said application and all divisional, continuing, substitute, renewal, reissue and all other applications for Letters Patent which have been or shall be filed in the United States and all foreign countries on any of said improvements and inventions; and in and to all original and reissued patents which have been or shall be issued in the United States and all foreign countries on said improvements and inventions;

Agree that said assignee may apply for and receive Letters Patent for said improvements and inventions in its own name; and that, when requested, without charge to but at the expense of said assignee, its successors, assigns and legal representatives, to carry out in good faith the intent and purpose of this assignment, the undersigned will execute all divisional, continuing, substitute, renewal, reissue and all other patent applications on any and all said improvements and inventions; execute all rightful oaths, assignments, powers of attorney and other papers; communicate to said assignee, its successors, assigns and representatives, all facts known to the undersigned relating to said improvements and inventions and the history thereof; and generally do everything possible which said assignee, its successors, assigns or representatives shall consider desirable for aiding in securing and maintaining proper patent protection for said improvements and inventions and for vesting title to said improvements and inventions and all applications for patents and all patents on said improvements and inventions, in said assignee, its successors, assigns and legal representatives; and

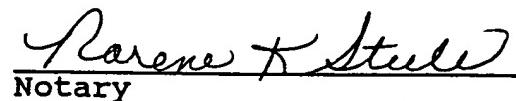
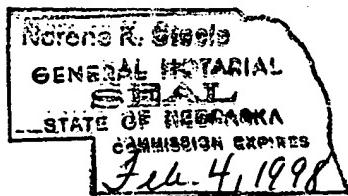
Covenant with said assignee, its successors, assigns and legal representatives that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by the undersigned and that full right to convey the same as herein expressed is possessed by the undersigned.



Ronald J. Hruska, Jr.

State of Nebraska      )  
                            )  
County of Lancaster     )

Before me this 10<sup>th</sup> day of September, 1996,  
personally appeared Ronald J. Hruska, Jr., to me  
personally known to be the person who is described in  
and who executed the above instrument, and acknowledged  
to me that he executed the same of his own free will for  
the purpose therein set forth.



Renae K. Steele  
Notary

-- Our Ref: 558-9-9-1